## STATE OF MICHIGAN House of Representatives - Judiciary Committee March 29, 2007

By: Karen Stephens Clinton Township, Michigan

Good afternoon Chairman Condino and members of the House Judiciary Committee. Thank you for this opportunity to address concerns regarding the courts and unconstitutional events. I am Karen Stephens of Clinton Township Michigan and one of We the People.

My condensed remarks have been previously presented at the Michigan Supreme Court Public Hearings where Michigan citizens addressed a multitude of topics including Constitutional Rights violations, secrecy of the courts, the Judicial Tenure Commission and the Attorney Grievance Commission.

#### **MSC Justice Marilyn Kelly**

Michigan Supreme Court Justice Marilyn Kelly is quoted in the March 18, 2007 HomeTownLife Newspapers. Justice Kelly states "controversy swirling around the court is making lawyers and judges 'nervous." Justice Kelly is quoted as saying that discipline of lawyers and judge should be done in public. "I see no reason that those decisions can't be made in public, those are essentially administrative decisions. Public business should be done in public as much as possible."

#### The Attorney Grievance Commission

Quoting a Detroit Free Press, November 16, 2005 article titled: "What happens next will be secret" in regards to Attorney Geoffrey Fieger, Mr. Robert Agacinski of the

Attorney Grievance Commission stated: "We can't even tell you if we have a complaint that we are investigating." Mr. Agacinski commented that the "AGC receives about 3,500 complaints per year", which averages about 10 attorney complaints per work day; and "about 90% are eventually dismissed;" Mr. Agacinski also stated: "Complaints are kept secret." This means about 3,150 attorney complaints are swept under the rug each year. The 2005 AGC web page stated; "While the number of Requests for Investigation being filed annually have been on the increase..." then states "The high rate of closure results from the fact that the "lawyer has done nothing wrong." This means the public's perception of wrong-doing, while escalating, is considered the norm, and over 3,000 complainants do not have credibility, but the 14 members of the incestuous, Attorney Grievance Commission do have perceived credibility; and, in fact, run interference for attorneys' misdeeds. Mr. Agacinski, who was a grade school classmate of mine, personally told me "we do not enforce the Rules of Professional Conduct." Between November 29, 2006 and March 21, 2007, a mere 4 months, the Michigan Supreme Court issued at least 8 Orders denying relief for requests for superintending control of the Attorney Grievance Commission. It appears the Michigan Supreme Court does not want to deal with acts of omission and abuses perpetrated by the AGC.

#### The Judicial Tenure Commission

Issues regarding the Judicial Tenure Commission were addressed at the most recent Michigan Supreme Court Public Hearing. Mr. Paul Fischer Director of the JTC, asked the Court to keep the status quo: however, HALT, a non-profit for legal reform "urges the Supreme Court to modify the proposed rule to provide real protection for litigants." U. S. Code, Title 18 provides that judges are criminally liable for acts

committed under "color of law"; however, when the JTC keeps information confidential, there is no accountability to We the People. Mr. Fischer stated that JTC received 665 judicial complaints in 2006, which equates to almost 3 complaints per work day. Mr. Fischer also stated that the JTC dismissed 3800 complaints in 6 years, and the JTC negotiated 12 early retirements. Rhetorically, was the public advised about the circumstances regarding the early retirements and which cases were involved, and if not, why not; and was there a remedy for the litigants if these judges abused their powers, committed criminal acts or fraud upon the court. Just this week, on March 27, the MSC strategically issued an Amended MCR 9.227, incestuously extending absolute civil immunity to agents of the JTC. "If everyone does it, no one is guilty."

The JTC dismisses complaints against judges with only form letters and anonymous complaint numbers. Complainants are ambiguously told that judicial misconduct is a "term of art" or a "term of law" without explanation. Mr. Fischer said the system is working, however, citizen after citizen stated it is not working and the attendees to this hearing actually broke out in applause after retired judge, the Hon. Joseph Swallow exposed being visited by Justice Corrigan then intimidated "for not getting with the program."

### **Oakland County Circuit Court - Unconstitutional Rule**

The Oakland County Courts web page states: "Individuals entering the Courthouse are not permitted to bring in cameras, camera phones, recording devices, weapons or cutting instruments." However, County Executive Patterson, at the urging of the Oakland Bar Association advocated to Chief Judge Wendy Potts to exempt the

members of the Bar. Former President of the Oakland Bar Association, Attorney Donald McGinnis admits, in his internet published biography, that: "He has also been responsible for involving the OCBA in a joint effort with the County Executive and the Oakland County Circuit and Probate Benches to establish a "lawyer only" line to enter the Courthouse and for the allowance of camera-equipped cellular telephones to be permitted on the premises." Courthouses belong to We the People, not the members of the incestuous, legal industry cartel. This selective rule is discriminatory and violates Article 1 section 2 of the Michigan Constitution. MCR 2.306(C) (2) (b) states a party, as a matter of right, may make a record by a non-secret means. Rhetorically, why aren't litigants allowed to make non-secret recordings of actual hearings. In my case, official transcripts had comments made by the judges and attorneys deleted, and the docketing statement was altered retroactively. The prohibition of recording devices in the courtrooms promotes secrecy, the altering of transcripts and is the badge of fraud.

#### **Examples of the Broken Court System**

In a probate case, I was ordered to pay \$1300 in sanctions to my own attorney, and upon leaving the courtroom, my attorney's attorney told me if I dropped an attorney grievance, they would not enter the sanction order; this is extortion.

At the insistence of my own attorney in another case, I was ordered to pay Judge Kerwin \$1800 to "supervise a settlement."

Oakland Judge McDonald arranged for me to be put in a room with Judge Rudy Nichols, who in his robe in a standing position stated: "ANARCHY', and "don't let a third party, a jury, determine your fate."

My own attorney Nicoletti embezzled my 9/4/03 \$25,000 Frankenmuth check, and then obtained a secret, hidden, never served order from Judge McDonald retroactively giving him rights to my \$25,000 plus additional liens on my property for \$182,500 now claiming over \$260,000 in bogus attorney fees after he withdrew 4 months earlier. Mr. Nicoletti and Judge McDonald will be post haste when I am post mortem.

With prima facie evidence of bribes from Frankenmuth Mutual Insurance, both Mr. Nicoletti and Judge McDonald paid off mortgages and purchased new high-end real estate, without selling their residences, within the same 18 days commencing on September 4, 2003.

Judge Martha Damiani Anderson granted multiple Personal Protection Orders to prohibit contact between Mr. Nicoletti's scammed clients, Marie Dreilich and myself without any threats or stalking much less the 2 non-consecutive events required by law. The transcript states are not allowed to attend church or court together. Our Michigan Supreme Court could not be persuaded to answer the questions presented in regards to these bogus PPO's. Marie Dreilich was jailed twice for a total of 9 days for accompanying me to the McDonald Court as my witness, and I was chased down by a sheriff's deputy for violating the PPO when I was not named nor served, for having Marie Dreilich's purse. Attorney Nicoletti is also representing the culprit bricklayer,

Viviano of our cases. Without either an Order or Court Rule, Judge Anderson just told me to pay the clerk \$500, and threatened me with contempt. This is extortion.

At the September 2005 MSC Public Hearing, the knowledge of the secret removal of Oakland Chief Judge Barry Howard was made public, much to the chagrin of Justices Corrigan and Markman who prevaricated on the record, when they were unaware that I possessed an affidavit and e-mails documenting the time line of events leading up to Chief Judge Barry Howard's secret removal. This removal, by then-Governor Engler, caused Judge Howard's other decisions to be viewed with a blind eye by the public, especially in regards to Sandstone v Novi and the similar Canyon v Stephens case where Judge Howard ruled inconsistently regarding government immunity to benefit builders. After Judge Howard's removal, both cases walked over to Judge John McDonald who ultimately transferred properties to builders. Judge McDonald transferred Novi's park to Sandstone, Pulte received the park and Barry Howard, after his removal, then became employed by Honigman, Miller, Swartz, et al, where Schwartz is on Pulte's Board of Directors and actually represents Pulte. Rhetorically, do these cases appear fixed to transfer property rights?

Court of Appeals Judge Deborah Servitto thanked the builders for their endorsement for her COA appointment. Then, Judge Servitto was on COA panels ruling in favor of builders, including issuing an opinion, in favor of Ivanhoe Huntley Builders whose president is Steve Pearlman, an officer of the Building Industry Association, which officially endorsed Judge Servitto to Governor Granholm.

#### **Support for Justice Weaver**

At the recent MSC public hearing, Justice Weaver's position was supported directly and indirectly by many voices. Only, members of the incestuous, legal industry cartel endorsed the status quo.

#### Non-profits for Legal Reform

I would suggest this committee visit legal reform web sites with their focus on Michigan Courts. Hopefully, this committee has viewed the MSC Public Hearings.

#### **Michigan Constitution**

Since the Michigan Constitution is being reviewed, just some rhetorical questions: has anyone ever considered a random lottery for judgeships with applicants meeting set criteria? All judicial terms could rotate; thereby the incestuous kingdoms, campaigns and their contributions would be eliminated. Has thought been given regarding citizen control of the JTC and AGC?

#### Summary

The Courts are, deliberate and organized chaos adverse to the People, the source of the courts authority.

Thank you for this opportunity.

BY:

One of We the People, the source of the Court's Authority,

Karen Stephens
Clinton Township, Michigan

http://www.massnews.com/2003 Editions/3 March/030703 mn american legal system corrupt.shtml

[only Page 1 of 7]

#### American Legal System Is Corrupt Beyond Recognition, Judge Tells Harvard Law School

#### By Geraldine Hawkins March 7, 2003



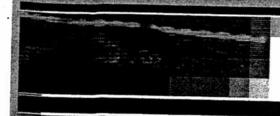
Judge Edith H. Jones of the U.S. Court of Appeals for the Fifth Circuit talks to members of Harvard Law School's Federalist Society. Jones said that the question of what is morally right is routinely sacrificed to what is politically expedient.

The American legal system has been corrupted almost beyond recognition, Judge Edith Jones of the U.S. Court of Appeals for the Fifth Circuit, told the Federalist Society of Harvard Law School on February 28.

She said that the question of what is morally right is routinely sacrificed to what is politically expedient. The change has come because legal philosophy has descended to nihilism.

"The integrity of law, its religious roots, its transcendent quality are disappearing. I saw the movie 'Chicago' with Richard Gere the other day. That's the way the public thinks about lawyers," she told the students.

"The first 100 years of American lawyers were trained on Blackstone, who wrote that: 'The law of nature, dictated by God himself is binding in all counties and at all times; no human laws are of any validity if contrary to this; and such of them as are valid derive all force and all their authority.



News & Events

Dean v Byerley

Lawrence v State Bar

About StateBarWatch

Contact Information

Future Projects

#### **StateBarWatch**



Who Guards An Empty Safe? This is the reason why the Michigan Judicial Tenure Commission is laughed at by members of the Michigan legal community...

After StateBarWatch founder Frank Lawrence served Michigan Judicial Tenure Commission Executive Director Paul Fischer with a federal subpoena for records, he refused to comply, citing state-created confidentiality rules.

Eventually, in January 2004, Paul Fisher was ordered to turn over the records, as the federal district court held "[S]uch confidentiality cannot impede the legitimate needs of the judicial truth-seeking process" Click here to see the court's opinion.

Paul Fischer then appealed the above order and he, again, lost. This time, however, the Court's decision resulted in a published opinion. Lawrence v. Van Aken, 316 F.Supp.2d 547 (W.D. Mich. 2004). (Click here to see the opinion)

After the second federal court order directing the Judicial Tenure Commission to turn over the records, Paul Fischer still refused to comply. StateBarWatch founder Frank Lawrence then threatened to request Court assistance to have federal agents forcibly remove the records from the Commission's Detroit office.

THE EMPTY SAFE - On May 3, 2004, JTC Executive Director Paul Fischer faxed over an affidavit indicating that no records exist that fall within the scope of the subpoena. (Click here to see this troubling document)



If Paul Fischer's Affidavit really is true, then why did he require two federal court opinions to be issued (one of them published), only to then state that none of the requested records exist? Why create this work for the federal judiciary? Who guards an empty safe?

If you have information about JTC Executive Director Paul Fischer, please contact StateBarWatch by <u>clicking here</u>.



## **National Probate Web Site Survey**

State Rankings

			.90		
State	Grade	State	Grade	State	Grade
New Hampshire	A	Ohio	D-	Kentucky	F
Connecticut	<b>A-</b>	Missouri	D-	Lousiana	F
Vermont	A-	Utah	D-	Minnesota	<b>F</b>
Washington, D.C	C. A-	Wisconsin	D-	Mississippi	F
Colorado	B+	Arizona	<b>F</b> (%)	Montana	F
Maryland	B+	lowa	F	Nebraska	F
Georgia	&- B-*	Kansas	F	Nevada	F
North Dakota	- C	South Dakota-	F	New-Mexico	
California	C	Wyoming	F	Oklahoma	F
South Carolina	C	Alabama	F	Oregon	F
Maine	C-	Alaska	F	Pennsylvania	F
New York	C-	Delaware	F	Rhode Island	F
Arkansas	D+	Florida	F	Tennessee	F
New Jersey	D+	Hawaii	F	Virginia	F
North Carolina	D+	Idaho	F	Washington	F
Massachusetts	- D	Illinois	F	West Virginia	Fair
Texas	D	Indiana	F	Michigan	N/A
* Coords					

<sup>\*</sup> Georgia recently responded to HALT's Best Practices suggestions by making substantial improvements to its Web site.

It now has a Web site that is easier to find and navigate and that includes additional information about the probate process.

We congratulate Georgia on these improvements.

Founded in 1978, HALT—An Organization of Americans for Legal Reform is a nonpartisan, nonprofit public interest organization. HALT pursues an aggressive education and advocacy program that challenges the legal establishment to improve access and accountability and reduce costs in the civil justice system.

HALT BE THE ONLY STATE

An Organization of Americans for Legal Reform TO NOT HAVE 175

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AVAILA

# Lawyer Discipline 2006 REPORT CARD



## MICHIGAN

Overall Grade:

C

	Adequacy of Discipline Imposed		Markey washing was belong a gardening
What's New Since	Publicity and Responsiveness	C+	
standing remains relatively unchanged. While the state's attorney discipline system is now more transparent, it is	Openness of the Process	B+	
investigating fewer complaints than it did four years ago.	Openness of the free	R	
About Michigan's Lawyer Discipline System:	Fairness of Disciplinary Procedures	- L	1
Ranked 25th in the nation overall.	A STATE OF THE PARTY OF THE PAR	$\setminus C$	manus e min e remain e
↓ Investigates only one out of every four complaints received.*	Public Participation		N ETF
1 Publicizes names of	Annual Control of the	INCOM	

Publicizes names of sanctioned attorneys in local newspapers read by the general public

One of only 13 states in the country that applies the fair "preponderance of the evidence" standard for proving misconduct. The rest of the states require the far more onerous "clear and convincing" standard.

Overall Grade

Promptness

•

Received an *Incomplete* for Promptness because Michigan Attorney Grievance Commission did not provide American Bar Association with statistics related to its timeliness in processing complaints.\*

\* According to the most recent statistics from the American Bar Association, which derive from the 2004 ABA Survey on Lawyer Discipline Systems.

An Organization of Americans for Legal Reform

To file a grievance against an attorney licensed in Michigan, download a form entitled "Request for Investigation of Attorney" at www.agcmi.com/RiRequestform.htm or obtain a form by calling (313) 961-6585 or by writing to: Attorney Grievance Commission, 243 West Congress, Marquette Building, Suite 256, Detroit, Michigan 48226-3259.

## Lawyer Discipline

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## Information Wanted

On behalf of its members, *Citizens* is currently collecting information on the misconduct, or possible misconduct, of the following Michigan attorneys, law firms or judges. Please forward to *Citizens* any information that you may have. Thank you.

There is no implication that the attorneys, law firms, or judges listed on this page may have indeed engaged misconduct (unless there is a link to another web-page which may list possible misconduct), nor should there be an implication that the attorneys, law firms, or judges have not engaged in misconduct. Only that we are currently collecting information relative to their misconduct, or their possible misconduct, for the benefit of CLR members.

Some of the following named attorneys, law firms, and judges may have more specific information publishe on other web-pages on this web-site. Check this entire web-site for additional information.

ANDERSON, MARTHA DAMIANI (Judge)

-COOPER, JESSICA R. (Judge)

FITZGERALD, E. THOMAS (Judge)

GALEN, JAMES

GIFFORD, KRASS, GROH, SPRINKLE, ANDERSON & CITKOWSKI

GREENBERG, JULIE A.

HOGAN, MICHAEL P.

HOWARD, BARRY (Judge)

JANSEN, KATHLEEN (Judge)

KERWIN, DAVID (Judge)

MAKRIS, JOHN G.

MCDONALD, JOHN (Judge)

MITCHELL, JOHN

NICHOLS, RUDY (Judge)

NICOLETTI, PAUL J.

PLANTS, KAREN (Assistant Prosecutor)

POTTS, WENDY (Chief Judge)

SWITALSKI , MATT (Judge)

WATERSTONE, MARY (Judge)

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email: clr@clr.org

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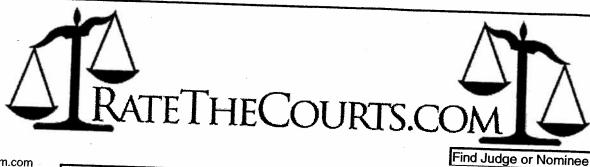
#### **MICHIGAN**

### RECENT JUDICIARY TOPICS

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Judge Callahan "Judge of the Year"	
"Stupid Remarks by Prosecutor" Leads to Stu	pid Decisions in Courthouse?
Should MI Judges Who Take LOA over 12 We	eks Provide Dr Excuse?
FOIA "Sunshine Week" Ignored By Judges	The state of the s
Injustice in Michigan	
Attorneys talkin about Judge Oxholm	
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Two Local Drug Cases Sentencings Compared	
An 83 Year-Old's Judgical Evaluation	

## RECENT JUDICIAL SURVEYS

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Judge Mary A. Chrzanowski	# Surveys
Judge Michael A. Weipert	# 1
Judge Martha Anderson	3
Judge L. Suzanne Geddis	34
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Chief Judge Paul E. Deats	
Judge Edward A. Servitto Jr.	2
Judge Fred M. Mester	2 Mar.
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**TOP 10** 

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**ABOUT US** 



## Comments made about Judge Michael S. Maceroni

All comments are opinions of the survey respondents.

Censor Level: Low

complained on the bench about having to read the entered documents. Doesn't like to read.

2007-02-16

Negative/Critical View Survey

Report to Administrator

F(0.00)

See all the comments about Judge Michael Maceroni at: http://courthouseforum.com/forums/view.php?id=972954 He would be better suited as a short order cook in a greasy spoon than a judge, however, his ego thrives on the center stage.

2007-02-04

Negative/Critical

Report to Administrator

View Survey F(0.00)

I have appeared before him a couple of times, and each time I was surprised by his application of court rules. It appears he favors the attorneys who appear before him regularly. My client got hosed.

2007-01-15

Negative/Critical

Report to Administrator

View Survey F(0.00)

2007-01-04

Judge Michael Maceroni is the epitome of a bad lawyer joke. He probably became a judge because he couldn?t make a living being a crooked attorney. In a legal malpractice case, where the attorney Lori Zahodnic of Sterling Heights had been admonished by the Attorney Grievance Commission for churning a case where she threw a home with a viable quit claim deed into Probate, increased the costs, created unnecessary and incorrect legal documents, then her Attorney Glen Gartling motioned in the Probate case for \$1900 in sanctions without merit and that Judge Nowicki said "can you do that?", then as extortion when Gartling left that court room said, if I would dismiss the attorney grievance against Zahodnic they wouldn?t enter the order for sanctions. Judge Michael Maceroni allowed the malpractice attorneys (Nicoletti) to churn the case for a couple of years, then dismissed the case when the court didn?t notice me which was just an excuse to clear his docket. Lazy and in bed with attorneys so they can churn cases, he doesn?t earn

his salary. He is running a racket out of that courtroom.

Not Classified

Courts Home
District Courts
Circuit Court
Probate Court

The following is a list of links to information about courts and judges in Oakland County.

Oakland County District Courts and Judges: Courts handle misdemeanor violations and preliminary examinations on felony cases. Jurisdiction includes civil actions not exceeding \$25,000. (Juror Information)

Oakland County Circuit Court and Judges:

Individuals entering the Courthouse are not permitted to bring in cameras, camera phones, recording devices, weapons or cutting instruments.



http://www.michbar.org/news/releases/archives06/DistrictI.cfm

# **Election for Board of Commissioners - District I Candidate Biographies**

BOARD OF COMMISSIONERS - DISTRICT I (OAKLAND COUNTY)
TWO TO BE ELECTED - THREE-YEAR TERMS

Donald E. McGinnis, Jr.

Donald E. McGinnis, Jr. has been a Director of the Oakland County Bar Association for the past 11 years. He will soon finish his term as the current President of the Oakland County Bar Association. Mr. McGinnis has been a member of the State Bar of Michigan and the OCBA since 1973. During his tenure with the OCBA, he has served as Vice Chair and Chair of the Membership Committee, Co-Chair of the Bench Bar Conference, and served on numerous other committees. During his term as President of the OCBA, he has been responsible for re-structuring the Political Action Committee as it relates to the rating of judicial candidates to its new form being the Judicial Candidate Forum. He has also been responsible for involving the OCBA in a joint effort with the County Executive and the Oakland County Circuit and Probate Benches to establish a "lawyers only" line to enter the Courthouse and for the allowance of camera-equipped cellular telephones to be permitted on the premises. He is presently the Chairman of the Act Oakland County Community Trust.